

1 Erwin Chemerinsky (*pro hac vice*)  
 2 echemerinsky@law.berkeley.edu  
 3 Claudia Polsky (CA Bar No. 185505)  
 4 cpolsky@law.berkeley.edu  
 5 U.C. BERKELEY SCHOOL OF LAW  
 6 Law Building  
 7 Berkeley, CA 94720-7200  
 8 Telephone: 510.642.6483  
 9  
 10 Elizabeth J. Cabraser (CA Bar No. 83151)  
 11 ecabraser@lchb.com  
 12 Richard M. Heimann (CA Bar No. 63607)  
 13 rheimann@lchb.com  
 14 Kevin R. Budner (CA Bar No. 287271)  
 15 kbudner@lchb.com  
 16 LIEFF CABRASER HEIMANN &  
 17 BERNSTEIN, LLP  
 18 275 Battery Street, 29th Floor  
 19 San Francisco, CA 94111  
 20 Telephone: 415.956.1000  
 21  
 22 Anthony P. Schoenberg (CA Bar No. 203714)  
 23 tschoenberg@fbm.com  
 24 FARELLA BRAUN + MARTEL LLP  
 25 One Bush Street, Suite 900  
 26 San Francisco, CA 94104  
 27 Telephone: 415. 954.4400  
 28  
 29 *Attorneys for Plaintiffs and the Proposed Class*  
 30 [Additional counsel listed on signature page]

31  
 32  
 33  
**UNITED STATES DISTRICT COURT**  
 34  
**NORTHERN DISTRICT OF CALIFORNIA**  
 35

36 NEETA THAKUR, KEN ALEX, NELL  
 37 GREEN NYLEN, ROBERT HIRST,  
 38 CHRISTINE PHILLIOU, and JEDDA  
 39 FOREMAN, on behalf of themselves and all  
 40 others similarly situated,

41  
 42 Plaintiffs,

43  
 44 v.

45 DONALD J. TRUMP, in his official capacity as  
 46 President of the United States;  
 47 DEPARTMENT OF GOVERNMENT  
 48 EFFICIENCY (“DOGE”);  
 49 AMY GLEASON, in her official capacity as  
 50 Acting Administrator of the Department of  
 51 Government Efficiency;  
 52 NATIONAL SCIENCE FOUNDATION;

Case No. 3:25-cv-4737

53  
**JOINT STATEMENT REGARDING**  
**PROPOSED SCHEDULE ON**  
**SUPPLEMENTAL BRIEFING**

1 [caption cont'd next page]  
 2

3 BRIAN STONE, in his official capacity as  
 4 Acting Director of the National Science  
 5 Foundation;  
 6 NATIONAL ENDOWMENT FOR THE  
 7 HUMANITIES;  
 8 MICHAEL MCDONALD, in his official  
 9 capacity as Acting Chairman of the National  
 Endowment for the Humanities;  
 UNITED STATES ENVIRONMENTAL  
 PROTECTION AGENCY;  
 LEE ZELDIN, in his official capacity as  
 Administrator of the U.S. Environmental  
 Protection Agency;  
 UNITED STATES DEPARTMENT OF  
 AGRICULTURE;  
 BROOKE ROLLINS, in her official capacity as  
 Secretary of the U.S. Department of Agriculture;  
 AMERICORPS (a.k.a. the CORPORATION  
 FOR NATIONAL AND COMMUNITY  
 SERVICE);  
 JENNIFER BASTRESS TAHMASEBI, in her  
 official capacity as Interim Agency Head of  
 AmeriCorps;  
 UNITED STATES DEPARTMENT OF  
 DEFENSE;  
 PETE HEGSETH, in his official capacity as  
 Secretary of the U.S. Department of Defense;  
 UNITED STATES DEPARTMENT OF  
 EDUCATION;  
 LINDA MCMAHON, in her official capacity as  
 Secretary of the U.S. Department of Education;  
 UNITED STATES DEPARTMENT OF  
 ENERGY;  
 CHRIS WRIGHT, in his official capacity as  
 Secretary of Energy;  
 UNITED STATES DEPARTMENT OF  
 HEALTH AND HUMAN SERVICES;  
 ROBERT F. KENNEDY, JR., in his official  
 capacity as Secretary of the U.S. Department of  
 Health and Human Services;  
 UNITED STATES CENTERS FOR DISEASE  
 CONTROL;  
 MATTHEW BUZZELLI, in his official capacity  
 as Acting Director of the Centers for Disease  
 Control;  
 UNITED STATES FOOD AND DRUG  
 ADMINISTRATION;  
 MARTIN A. MAKARY, in his official capacity  
 as Commissioner of the Food and Drug  
 Administration;  
 UNITED STATES NATIONAL INSTITUTES  
 OF HEALTH;

1 JAYANTA BHATTACHARYA, in his official  
2 capacity as Director of the National Institutes of  
Health;  
3 INSTITUTE OF MUSEUM AND LIBRARY  
SERVICES;  
4 KEITH SONDERLING, in his official capacity  
as Acting Director of the Institute of Museum  
and Library Services;  
5 UNITED STATES DEPARTMENT OF THE  
INTERIOR;  
6 DOUG BURGUM, in his official capacity as  
Secretary of the Interior;  
7 UNITED STATES DEPARTMENT OF STATE;  
8 MARCO RUBIO, in his official capacity as  
Secretary of the U.S. Department of State;  
9 DEPARTMENT OF TRANSPORTATION;  
10 SEAN DUFFY, in his official capacity as  
Secretary for the U.S. Department of  
Transportation,

11 Defendants.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1       The Parties submit this Joint Statement pursuant to the Court’s December 23, 2025, Order  
 2 requesting a “proposed schedule for supplemental briefing concerning the effect of the [Ninth  
 3 Circuit’s amended order” in *Thakur v. Trump*, 25-4249, Dkt. No. 73, “on the pending motions”  
 4 before this Court. Dkt. No. 173.

5       **Briefing:** Since this Court’s Order, Plaintiffs-Appellees moved for reconsideration or  
 6 reconsideration *en banc* in the Ninth Circuit on December 29, 2025, and Defendants-Appellants  
 7 were ordered to respond to that motion by January 21, 2026. *Thakur v. Trump*, 25-4249, Dkt.  
 8 Nos. 74, 75. With respect the issues raised in this Court’s Order, Plaintiffs anticipate  
 9 supplemental briefing addressing the effect of the Amended Order on (1) the pending motions  
 10 regarding grants terminated by the Department of Energy (Dkt. Nos. 154, 156) as well as (2) the  
 11 remaining constitutional claims asserted in Plaintiffs’ complaint and initial motion for preliminary  
 12 injunction (i.e., claims regarding separation of powers and the Fifth Amendment). The Parties  
 13 propose the following schedule for that briefing:

- 14       • Plaintiffs’ Opening Brief: January 30, 2026
- 15       • Defendants’ Response: February 24, 2026
- 16       • Plaintiffs’ Reply: March 6, 2026
- 17       • Hearing: Court’s convenience<sup>1</sup>

18       **Additional schedule implications:** Given the uncertainty the amended order introduced  
 19 about the scope of this case, the Parties agree that the most efficient course of action is to await  
 20 further clarity from this Court and the appellate courts before proceeding to final judgment on  
 21 what may be a subset of the claims. The Parties therefore propose that the Court vacate the  
 22 currently scheduled deadlines for the motions for summary judgment and related Administrative  
 23 Record deadlines (*see* Dkt. No. 152) pending resolution of the motions and appeals discussed  
 24 above.

25  
 26  
 27  
 28       <sup>1</sup> Defendants’ counsel will be out of the country from the afternoon of March 17 through March  
           23, and respectfully requests that the Court not schedule a hearing during this time.

1 Dated: January 6, 2026

1 By: /s/ Kevin R. Budner

2 Erwin Chemerinsky (*pro hac vice*)  
 3 echemerinsky@law.berkeley.edu  
 4 Claudia Polsky (CA Bar No. 185505)  
 5 cpolsky@law.berkeley.edu  
 U.C. BERKELEY SCHOOL OF LAW  
 Law Building  
 Berkeley, CA 94720-7200  
 Telephone: 510.642.6483

6 Elizabeth J. Cabraser (CA Bar No. 83151)  
 7 ecabraser@lchb.com  
 8 Richard M. Heimann (CA Bar No. 63607)  
 rheimann@lchb.com  
 9 Kevin R. Budner (CA Bar No. 287271)  
 kbudner@lchb.com  
 Annie M. Wanless  
 10 awanless@lchb.com (CA Bar No. 339635)  
 LIEFF CABRASER HEIMANN &  
 11 BERNSTEIN, LLP  
 12 275 Battery Street, 29th Floor  
 San Francisco, CA 94111  
 Telephone: 415.956.1000

13 Anthony P. Schoenberg (CA Bar No. 203714)  
 14 tschoenberg@fbm.com  
 15 John J. Darin (CA Bar No. 323730)  
 jdarin@fmb.com  
 16 Katherine T. Balkoski (CA Bar No. 353366)  
 kbalkoski@fbm.com  
 17 FARELLA BRAUN + MARTEL LLP  
 One Bush Street, Suite 900  
 San Francisco, CA 94104  
 Telephone: 415. 954.4400

19 *Attorneys for Plaintiffs and the Proposed Class*

20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1 Date: January 6, 2026

2 By: /s/ Jason Altabet

3 Respectfully submitted,

4 BRETT A. SHUMATE  
5 Assistant Attorney General  
6 Civil Division

7 ERIC J. HAMILTON  
8 Deputy Assistant Attorney General

9 JOSEPH E. BORSON  
10 Assistant Branch Director

11 /s/ Jason Altabet  
12 JASON ALTABET (Md. Bar No. 2211280012)  
13 Trial Attorney, U.S. Department of Justice  
14 Civil Division, Federal Programs Branch  
15 1100 L Street, N.W.  
16 Washington, D.C. 20005  
17 Tel.: (202) 305-0727  
18 Email: jason.k.altabet2@usdoj.gov

19 *Attorneys for United States*

20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on January 6, 2026, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to registered parties.

Executed January 6, 2026, at San Francisco, California.

/s/ *Kevin R. Budner*

Kevin R. Budner